



social care
institute for excellence

Safeguarding for Trustees of User-led Organisations (ULO)

March 2022





social care
institute for excellence

About SCIE

The Social Care Institute for Excellence improves the lives of people of all ages by co-producing, sharing, and supporting the use of the best available knowledge and evidence about what works in practice. We are a leading improvement support agency and an independent charity working with organisations that support adults, families and children across the UK. We also work closely with related services such as health care and housing.

We improve the quality of care and support services for adults and children by:

- identifying and sharing knowledge about what works and what's new
- supporting people who plan, commission, deliver and use services to put that knowledge into practice
- informing, influencing and inspiring the direction of future practice and policy.

Contact info@scie.org.uk

Published in Great Britain by the Social Care Institute for Excellence March 2022

© SCIE All rights reserved

Social Care Institute for Excellence
83 Baker Street, London W1U 6AG

<https://www.scie.org.uk>

Contents

About this guide.....	1
Introduction.....	1
Why safeguarding is important to your user-led organisation.....	2
The role of the trustee in safeguarding	2
Definitions.....	3
Statutory safeguarding: who do we need to safeguard?.....	3
Duty of care	5
Your safeguarding strategy	5
The role of the operational safeguarding lead	6
Risk assessment	6
Organisational culture.....	7
Making Safeguarding Personal (MSP)	7
Organisational procedures	8
Good record keeping	9
Reporting concerns	9
Reporting to regulators	9
Partnership working.....	10
Staff training	10
Monitoring safeguarding activity	10
Commissioning or funding other organisations.....	11
Whistleblowing.....	11
Resources	12

About this guide

This guide is about your safeguarding responsibilities as a trustee of a user-led organisation (ULO). As a trustee you have a duty of care to your staff, people who use your service and volunteers and need to be assured that good safeguarding practice is in place in your organisation. The guidance helps you know what to do including:

- The role of all trustees regarding safeguarding.
- The law on safeguarding children, young people, and adults with care and support needs.
- Having a safeguarding strategy, policies, and procedures including reporting safeguarding concerns and how you will manage allegations made against trustees, staff, and volunteers.
- Identifying a safeguarding lead. The guide tells you what their role should involve.
- Using a risk assessment to identify where safeguarding can be strengthened.
- Developing an open, honest culture –this is central to good safeguarding practice. This includes Making Safeguarding Personal ensuring that the views and wishes of the adult concerned are respected as a fundamental part of safeguarding practice.
- The importance of good record keeping.
- Reporting to regulatory bodies such as the Charity Commission.
- Partnership working with other organisations and agencies.
- Staff training on safeguarding and whistleblowing.
- How to monitor safeguarding activity.

The guide also includes helpful links to further information. This enables you to find out more about aspects of safeguarding that are important to your organisation.

Introduction

As a trustee of a user-led organisation (ULO) you have duties and responsibilities, and you must comply with legal requirements; this guide is about your safeguarding responsibilities. Trustees are people who have the general control and management of the administration of a charity. They are sometimes given other titles, such as directors or management committee members.

User-led organisations (ULOs) are **organisations that are run by and controlled by people some of whom may use support services**, including disabled people with any impairment, older people, and families and carers. ULOs are diverse ranging from large national organisations to small community organisations. Many of the people involved in ULOs (as trustees, staff, volunteers, users of the service) will be people with care and support needs –the group to which adult safeguarding applies. Therefore the safeguarding responsibilities may be more relevant for these organisations. Although others will have contact with children and young people too, this guidance is aimed to be used for safeguarding adults.

- ✓ If your organisation is a charity you will be registered with [The Charity Commission](#) in England and Wales ([Scotland](#) and [Northern Ireland](#) have their own regulators). The Charity Commission places a responsibility on you as a trustee to ensure good safeguarding practice in your organisation. This guidance will also help you to meet your responsibilities if your organisation is not a registered charity, but another type of

[social enterprise](#) including Companies Limited by Guarantee, Community Interest Companies and any other company whose purpose is to provide support to specific groups.

The term 'safeguarding' is used by individuals and agencies to describe a range of activities and responsibilities. This guide will outline the wider context but its focus is that of statutory safeguarding – this is the responsibility to respond appropriately to concerns about children or [adults with care and support needs](#) who may be experiencing, or at risk of, abuse or neglect.

Safeguarding law for both adults and children differs in the four nations of the UK. It is not within the scope of this resource to cover the detail of each country's legislation and guidance. This guide refers to the law in England, you would need to check locally relevant legislation if you work in Wales, Northern Ireland or Scotland. The responsibilities of trustees are, however, the same in each nation.

Why safeguarding is important to your user-led organisation

- ✓ It provides **protection** to those who may need it most because they may be unable to protect themselves.
- ✓ It's good practice to **respond to concerns appropriately and proportionately**. This means not over or under reacting to concerns – we need to know what we are doing and how to get it right.
- ✓ You need to **comply with legal requirements**.
- ✓ To **prevent** abuse by picking things up as early as possible – by raising awareness, assessing and managing risk.
- ✓ To **uphold your reputation** (individual and organisational) to avoid litigation and bad publicity. You want people who come into contact with you to trust you.
- ✓ It's the right thing to do!

The role of the trustee in safeguarding

As a trustee you are expected to act with care and diligence. The term 'due diligence' means that, in line with your [duty of care](#), you take reasonable steps to avoid harm to others. You must have mechanisms in place to make sure that a safe environment is created for staff, people who use your service and volunteers. Safeguarding sits within this wider responsibility. All trustees collectively hold this responsibility and should assure themselves that good safeguarding practice is in place in the organisation. It is recommended that you have a lead trustee for safeguarding; this will provide focus, but it does not absolve other trustees of responsibility.

Trustees do not need to be experts or to know every detail, and certainly should not be involved in operational activities as this will blur lines of responsibility and accountability. However you need to understand what needs to be in place and ensure that someone who does have adequate understanding is accountable in your organisation. In safeguarding terms, this means that you should have a paid member of staff that is an operational [safeguarding lead](#). This person will be accountable to the board and will work closely with the lead trustee for safeguarding. Depending on the size and type of your organisation, you may want a lead as a designated post or you may attach responsibility to an existing post.

The lead must have the requisite knowledge and skills. The trustee lead on safeguarding can liaise more closely with the operational safeguarding lead.

The role of all trustees with regard to safeguarding:

- ✓ Ensure a good quality service as a basis for good safeguarding practice – it fosters an environment less likely to give rise to safeguarding concerns
- ✓ Ensure a [safeguarding strategy](#) is in place – decide on your organization’s priorities and how they might be achieved
- ✓ Ensure the safeguarding lead reports progress on strategy aims and objectives to the board at least annually
- ✓ Develop the right [organizational culture](#) – open, honest and ensure everyone understands the ‘[Making Safeguarding Personal](#)’ approach
- ✓ Risk assessment – make sure you anticipate any risks that may apply to your organization (are there any particular types of abuse or neglect that present a risk to the groups of people you support?) and make plans to mitigate those risks
- ✓ Eyes on, hands off – know what is going on but don’t get involved in operational detail
- ✓ Have an operational safeguarding lead, an employee at a senior level, with the right skills and knowledge to support you, the staff and volunteers
- ✓ Ensure regular reporting to the board from the safeguarding lead – ask the right questions, scrutinize, challenge and monitor
- ✓ Collect information that will be useful to help you to understand where improvements or changes need to be made – each organization will need to decide what might be useful in the context of their work
- ✓ Make sure you (the board of trustees) are informed of any serious concerns. The [Charity Commission definition](#) of a serious concern includes harm to people who come into contact with your charity through its work
- ✓ Ensure safeguarding decision makers in your organisation understand [the relevant law on information sharing](#).
- ✓ Ensure safeguarding is part of the recruitment process and the workforce development plan.

Definitions

The Charity Commission defines safeguarding as:

- protecting an adult’s right to live in safety, free from abuse and neglect
- protecting children from maltreatment; preventing impairment of health or development; ensuring they are growing up in circumstances consistent with the provision of safe and effective care; and taking action to enable them to have the best life chances.

Statutory safeguarding: who do we need to safeguard?

Local authorities have statutory duties to safeguard children and adults with care and support needs who are experiencing or at risk of abuse and neglect. Multi-agency arrangements are in place and your organisation is expected to work in partnership with the local authority.

Children and young people

The [Children Act 1989](#) provides the legislative framework for child protection in England. Key principles established by the Act include:

- the child's welfare is paramount
- the expectations and requirements around duties of care to children.

Further legislation and statutory guidance have strengthened the frameworks, for example Working Together to Safeguard Children (2018), which details the responsibilities of organisations to work with other agencies in order to effectively safeguard children. [See NSPCC for more information.](#)

The United Nations Convention on the Rights of the Child (UNCRC), The Children Acts of 1989 and 2004, the Equality Act 2010 and Working Together to Safeguard Children 2018 are clear: we must keep children in focus throughout our work to safeguarding them, and when making decisions about their lives. This is at the heart of the child-centred approach.

Anyone working with children should see and speak to the child that they are concerned about. They should listen to what they say, take their views seriously and work with them and their families (where this can be done safely) in deciding how to support the child's needs.

This may mean that you need to make special provision to enable this with children who have communication difficulties or those who do not have their family with them (e.g. are refugees or victims of trafficking or modern slavery).

Adults

The Care Act 2014 sets out the framework for adult safeguarding and places a duty (section 42) on local authorities to make enquiries, or ask others to make enquiries when an adult in their area:

- has **needs for care and support** (whether or not the local authority is meeting any of those needs)
- is experiencing, or at risk of, abuse or neglect and
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect

The relevant legislation and guidance in other UK countries is:

- [Social Services and Well-being \(Wales\) Act 2014](#)
- [Guidance in Northern Ireland: Adult Safeguarding Prevention and Protection in Partnership](#)
- [Adult Support and Protection \(Scotland\) Act 2007.](#)

Duty of care

You have a general 'duty of care' to those who come into contact with your service. It means you must not do something, or fail to do something, that could cause harm to others. You must take all reasonable steps to prevent harm to people who come into contact with your organisation.

People may raise concerns about a number of issues – your [organisational procedures](#) should be clear about what constitutes a safeguarding concern and when safeguarding procedures need to be used.

Your procedures should also be clear about what to do if a concern is about something else, where a safeguarding response is not appropriate (because the person concerned does not have care and support needs, the concern is not about abuse or neglect, or the person is not unable to protect themselves because of their care and support needs) but where a response is nevertheless needed. This might include issues such as domestic violence, crime, wrongdoing (see [whistleblowing](#)), modern slavery or radicalisation.

As part of your duty of care you should check all areas of your work, including compliance with:

- ✓ [Health and safety laws](#)
- ✓ [Employment laws](#)
- ✓ [Equality law](#)
- ✓ [Safer recruitment](#), including compliance with the requirements of the [Disclosure and Barring Service](#)
- ✓ [Responsibilities overseas](#).

Your safeguarding strategy

Having a safeguarding strategy in place helps you, as trustees, to keep focussed on what you want to achieve and how you want to improve. It is simply a plan for action, it may include:

- ✓ What you want to achieve for safeguarding in the organisation.
- ✓ What your priorities are.
- ✓ What your plans for improvement are.
- ✓ Setting out your arrangements for working with safeguarding partners.
- ✓ Being clear about responsibilities, accountability and holding others to account.
- ✓ How you plan to monitor safeguarding activity.
- ✓ How you learn from organizational experience.

The role of the operational safeguarding lead

This role is separate to the role of the lead trustee for safeguarding, it is the role of a paid member of staff.

- ✓ Oversee all safeguarding activity in the organization.
- ✓ Regularly brief trustees and senior staff (executives, directors) on any safeguarding issues within or relating to the organization.
- ✓ Advise the organization on the requirements of the legislation and guidance relating to safeguarding.
- ✓ Raise awareness on safeguarding with staff and people using the service. Clear information should be provided for people who use the service on keeping themselves safe and raising safeguarding concerns.
- ✓ Ensure safeguarding is included in recruitment processes and induction for all new staff and volunteers.
- ✓ Ensure all staff receives safeguarding training appropriate to their role.
- ✓ Be proactive on safeguarding, identifying and minimizing possible risks and advise staff who are dealing with safeguarding concerns.
- ✓ Have up to date safeguarding policies and procedures that include when to report outside the organization – review them regularly.
- ✓ Forge local [partnerships](#); where possible, make links with the local safeguarding boards. Developing links with safeguarding boards may be difficult for some ULOs: for example, ULOs operating at a national level.
- ✓ Monitor safeguarding activities within the organization and provide data that can help learning and improve future services.
- ✓ Draw upon related data from feedback and complaints.
- ✓ Carry out internal practice audits and quality assurance.
- ✓ Work with HR (or their equivalent in small ULOs), ensuring any relevant requirements of the Disclosure and Barring Service are met.
- ✓ Keep abreast of national and local changes and developments in safeguarding.
- ✓ Provide regular reports to the board regarding safeguarding activity.
- ✓ Ensure that key managers are prepared to carry out or participate in enquiries– support managers and staff who are involved. The decisions about involvement in enquiries will depend on the size and shape of the organization.

Risk assessment

Assessment of risk in your organisation will help you to:

- prepare for most events.
- ensure you can prevent or identify safeguarding concerns early.
- enhance your prevention work.
- ✓ Ask yourselves who in your organisation is most likely to be abused by whom – consider staff/volunteers/users.
- ✓ Are there any particular risks or risk groups?
- ✓ How can the risks be addressed/reduced/mitigated?

- ✓ Record and review your safeguarding risk assessment.

Organisational culture

As a trustee you must ensure your organisation has an open, honest culture—this is central to good safeguarding practice. Barriers to good safeguarding practice are very often to do with structures and processes, and less to do with individual ‘bad apples’. It is important to listen to staff, and to understand and address the barriers to good practice that exist.

A healthy organisational culture might include:

- ✓ Having processes in place for raising concerns that all staff and volunteers know about
- ✓ giving regular opportunities for staff to feedback on the implementation of policies and procedures
- ✓ encouraging staff, volunteers and people using the service to raise any concerns they have
- ✓ taking concerns seriously and ensure feedback is given so that the person who raise the concern is reassured that appropriate action is being taken.
- ✓ not being defensive about mistakes
- ✓ not covering up to try to protect reputation
- ✓ identifying and addressing any barriers to good safeguarding practice— problems could be related to ways of working that are caused either by the systems in place, or by behaviors that have become normalized in the organization
- ✓ demonstrating a culture of transparency through excellent leadership
- ✓ embedding [Making Safeguarding Personal](#) in all areas of adult safeguarding practice, and in a child-centered approach for work with children
- ✓ embedding learning from safeguarding concerns to support improvements in future practice.

Making Safeguarding Personal (MSP)

MSP represents an important cultural shift for adult safeguarding, supported by the Care Act. It means ensuring that the views and wishes of the individual concerned are respected as a fundamental part of safeguarding practice. You must seek consent to intervene, act on behalf of, or share information about adults. Some adults will have an advocate to help support their decision making and ensure their voice is heard and some will have people with Powers of Attorney acting on their behalf.

You must find a balance between safety and the choice and control of the individual concerned. It is important that the people who make decisions about safeguarding concerns in your organisation understand the grounds upon which consent might be overridden. See [SCIE’s guide on information sharing](#).

Embedding MSP:

- ✓ Ensure MSP is central to training for all staff and volunteers
- ✓ Ensure MSP is explained in your policy and procedures

- ✓ Ensure safeguarding forms for recording concerns prompt staff to work in line with MSP
- ✓ Audit case notes to ensure practice reflects MSP
- ✓ Get feedback from service users as part of evaluating your safeguarding work

Organisational procedures

To run your organisation effectively and safely, you will need a range of procedures to guide staff and volunteers. It is up to you and your advisors to decide how best to set out your procedures and, for safeguarding, this will very much depend on your type of business.

There are fundamental differences in the way we work to safeguard adults and children. This is because we need to gain consent to work with adults and we need to understand when consent can be overridden and the relevance of the Mental Capacity Act. For this reason it is wise to have two separate safeguarding policies. Some choose to combine policies, but this can become very difficult and potentially confusing; you should avoid this if you regularly work with children and adults who have care and support needs.

Your policy should set out the organisation's overall approach to safeguarding including key principles (e.g. safeguarding is everyone's responsibility) whereas your procedure sets out how staff and volunteers will recognise, respond to, report, record and refer safeguarding concerns.

You also need to think about how to categorise all the other issues that relate to safeguarding but may require different responses (e.g. domestic violence, radicalisation, modern slavery and human trafficking). All the other areas of practice that help you to run a safe service should be considered too (e.g. whistle blowing, safer recruitment, feedback and complaints, health and safety).

Your procedures must be clear about which people in your organisation are responsible for reporting to external agencies. These members of staff will need training so that they understand the relevant information sharing law. [SCIE has a guide on information sharing.](#)

Your procedures should also consider how you will manage allegations of abuse or neglect made against trustees, staff, and volunteers. You will need to make sure that people are safe, decide how to investigate allegations, make sure that the person who the allegation is made against is kept informed during the investigation, and liaise with other agencies such as the police and social care. You should contact the Local Authority Designated Officer where you believe that children and young people may be at risk or have been harmed.

When putting together or revising your safeguarding policies, check that the policy:

- ✓ is brief and to the point
- ✓ is clear about what safeguarding is and what to do if a concern is about something else
- ✓ is clear about roles and responsibilities
- ✓ is clear about recording – how and where are concerns documented and who is responsible for recording?
- ✓ is clear about reporting – who has to report what to who?

- ✓ outlines how staff and volunteers should respond to disclosures – do's and don'ts
- ✓ ensures decision makers understand the importance of information sharing and the relevant law.

Remember, the main purpose of the policy is to guide your staff and volunteers in their actions – make sure that it is easy to understand and implement.

Good record keeping

Record keeping is important because it:

- ✓ supports good communication.
- ✓ helps staff to consider what action they are taking and why.
- ✓ helps you explain and evidence your actions if questioned.

Your operational safeguarding lead should ensure that systems are in place in the organisation to enable safeguarding records to be kept accurately, appropriately, and securely.

Reporting concerns

It is vital that your organisation clearly sets out the expectations for reporting any concern in your procedures. All your staff and volunteers must report any concerns internally, your procedures should make clear who it is they have to report to.

Your procedures and training should help managers (or those receiving the reports of concerns) to decide:

- ✓ what type of concern they are dealing with
- ✓ how to ascertain the views and wishes of the individual concerned (for both children and adults)
- ✓ whether or not they need to report the concern to any external body (including considerations about consent for adults)
- ✓ how and who to report to.

Reporting to regulators

Some regulatory bodies require notification of certain types of concern.

- ✓ Check which regulators you are required to report to and what you are required to report.
- ✓ Make sure systems are in place to ensure the reporting happens.

[Check the Charity Commission requirements here.](#)

If your service is registered with the Care Quality Commission you are required to make statutory notifications including [notifying them of allegations of abuse.](#)

You may need to make a referral to the [Disclosure and Barring Service](#) if you think an individual is a risk to adults with care and support needs or to children.

[NCVO list other notifications you may need to make.](#)

[Office for Standards in Education, Children's Services and Skills \(OFSTED\)](#)

Partnership working

The local authority has the statutory duties for safeguarding – that means they are accountable for safeguarding in their area. However safeguarding practice is only effective if carried out in a multi-agency environment: this means all agencies working together and cooperating. As a 'partner' agency, you are expected to work jointly with the local authority and other relevant agencies.

As a partner agency you should, where possible, make good local links. If your organisation is national, without local branches, then this may not be feasible. Each local authority must have safeguarding boards for adults and partnerships for children. Depending on your area of business it may be possible for the safeguarding lead, or local leads, to make links with the board or partnership through a forum that feeds into it. At the very least, your safeguarding lead and any other relevant staff should familiarise themselves with the work of the local authority safeguarding boards and partnerships which will be set out in strategic plans and annual reports.

Staff training

All staff should receive safeguarding training as part of their induction. Further training should be provided in line with the role.

- **Front-line staff and volunteers** – training to ensure that staff and volunteers understand what safeguarding is, who it applies to, how to respond and who to report to.
- **Managers and those with external reporting responsibilities** – basic safeguarding training with additional components on external reporting, including information sharing and the Mental Capacity Act.

You should have mechanisms in place to evaluate your training – to ensure staff have understood what is required of them and that it is put into practice. It is a good idea for your staff to repeat safeguarding training, so their knowledge is up to date (for example, every three years).

Monitoring safeguarding activity

Monitoring any safeguarding activity in your organisation helps you to:

- ✓ identify any themes, trends or patterns of abuse and neglect
- ✓ learn from mistakes and safeguarding concerns
- ✓ develop prevention strategies.

How to monitor activity:

- ✓ Ask your safeguarding lead to help you decide what data needs to be collected including the views of people supported by your organization
- ✓ Implement systems for collecting relevant data
- ✓ Scrutinize data at regular intervals – ask what purpose the data serves

Utilise data for organisational learning and service improvement.

Commissioning or funding other organisations

You are not responsible for safeguarding practice in other organisations that you work with. However if you commission work from others or provide them with funding, you are expected to carry out due diligence. In terms of safeguarding, this means taking reasonable steps to ensure that the agency you are working with has adequate safeguarding measures in place, including policy and procedures.

[See the Charity Commission guidance on due diligence.](#)

Whistleblowing

Your organisation should encourage an open culture where people can raise concerns without fear of repercussions – nobody should face negative consequences as a result of raising a genuine concern. You should have a policy that outlines what staff, volunteers and users of the service should do if they feel a concern has not been properly dealt with internally.

Whistle blowing is about ‘wrongdoing’; it covers very specific categories which may or may not be related to a safeguarding issue:

- criminal offences (this may include, for example, types of financial impropriety such as fraud)
- failure to comply with an obligation set out in law
- miscarriages of justice
- endangering of someone’s health and safety
- damage to the environment
- covering up wrongdoing in the above categories

See: [Government guidance for employers and Code of Practice.](#)

Resources

Gov.UK Guidance (2018):

[The essential trustee: what you need to know, what you need to do](#)

Safeguarding and protecting people for charities and trustees:

<https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>

NSPCC guide to safeguarding and child protection for the voluntary and community sector:

<https://learning.nspcc.org.uk/research-resources/2019/introductory-guide-safeguarding-child-protection>

How to protect children and adults at risk:

<https://www.gov.uk/guidance/charities-how-to-protect-vulnerable-groups-including-children>

Safeguarding for Trustees (NCVO):

<https://knowhow.ncvo.org.uk/safeguarding/checklists-training-and-other-support/specialist-guides/safeguarding-for-trustees>

Types of criminal records check:

<https://knowhow.ncvo.org.uk/safeguarding/checklists-training-and-other-support/specialist-guides/getting-started-with-criminal-records-checks#section-3>

What does good safeguarding governance look like?:

<https://www.civilsociety.co.uk/voices/tabitha-cave-what-does-good-safeguarding-governance-look-like.html>

Protecting charities from harm:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/677252/Chapter2new.pdf



social care
institute for excellence

Social Care Institute for Excellence
83 Baker Street, London W1U 6AG



www.scie.org.uk